

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

<b>IN RE:</b>  <b>RENE MARTINEZ GONZALEZ</b>  <b>DEBTOR(S)</b>	<b>CASE NUMBER: 10-11163 BKT</b>  <b>CHAPTER 13 ASSET CASE</b>
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**DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE**

**THE HONORABLE COURT:**

**COMES NOW**, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

**a. Debtor needs to make adjustments in order to comply with his duties as chapter 13 debtors and provide for the payment of 100% of debts plus 5.25% interest to general unsecured creditors.**

3. Debtor (s) amend plan call two (2) payments of \$650.00, four (4) payment of \$760.00 and fifty four (54) payments of \$650.00 for a total base of \$39,440.00 dollars with a provision for the payment to paid the unsecured debts.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

**WHEREFORE**, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

**NOTICE**

"Parties in interest are notified the have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificated of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 6<sup>th</sup>, day of June 2011.

**RESPECTFULLY SUBMITTED.**

**/s/ Marilyn Valdes Ortega**  
**MARILYN VALDES ORTEGA**

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Charlie

United States Bankruptcy Court  
District of Puerto Rico

IN RE:

Case No. 10-11163-13

MARTINEZ GONZALEZ, RENE

Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____ <input checked="" type="checkbox"/> AMENDED PLAN DATED: <u>6/6/2011</u>	
<input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
<b>I. PAYMENT PLAN SCHEDULE</b>  \$ <u>650.00</u> x <u>2</u> = \$ <u>1,300.00</u> \$ <u>760.00</u> x <u>4</u> = \$ <u>3,040.00</u> \$ <u>650.00</u> x <u>54</u> = \$ <u>35,100.00</u> \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____  TOTAL: \$ <u>39,440.00</u>  Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:  <input type="checkbox"/> Sale of Property identified as follows: _____  <input type="checkbox"/> Other: _____  Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____  PROPOSED BASE: \$ <u>39,440.00</u>	<b>II. DISBURSEMENT SCHEDULE</b>  A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input checked="" type="checkbox"/> Debtor represents no secured claims. <input type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input type="checkbox"/> Trustee pays secured ARREARS: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: _____ 5. <input type="checkbox"/> Other: _____ 6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to: _____  C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements.  OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) <b>FAILURE TO TIMELY OBJECT TO THIS PLAN CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT UNDER 11 USC 1325(a)(5).</b>  <b>TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR 11 USC 330.</b>  PLAN WILL BE PAID 100% PLUS <u>5.25% interest to</u> <u>general unsecured creditors</u>
<b>III. ATTORNEY'S FEES</b> (Treated as § 507 Priorities)  Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,900.00</u>  <u>Additional Fees 350.00</u> <u>Total: \$3,250</u>  Signed: <u>/s/ RENE MARTINEZ GONZALEZ</u> Debtor  _____ Joint Debtor	

Attorney for Debtor Marilyn Valdes Ortega Law Offices

Phone: (787) 758-4400

**I HEREBY CERTIFY:** That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

**10-11163-BKT13 Notice will be electronically mailed to:**

MONSITA LECAROS ARRIBAS  
ustpreregion21.hr.ecf@usdoj.gov

ALEJANDRO OLIVERAS RIVERA  
aorecf@ch13sju.com

MARILYN VALDES ORTEGA on behalf of Debtor RENE MARTINEZ GONZALEZ  
valdeslaw@prtc.net

**I HEREBY CERTIFY:** That I have mailed by regular mail to all creditors listed.

**10-11163-BKT13 Notice will not be electronically mailed to:**

AMERICAN INFOSOURCE LP  
T MOBILE  
PO BOX 248848  
OKLAHOMA, OK 73124-8848

FEDERAL LITIGATION DEPT OF  
JUSTICE  
PO BOX 9020192  
SAN JUAN, PR 00902-0192

BANCO POPULAR DE PR  
PO BOX 366818  
SAN JUAN, PR 00936-6818

FIA CARD SERVICES  
PO BOX 15026  
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BANCO SANTANDER DE PR  
PO BOX 362589  
SAN JUAN, PR 00936

ISLAND FINANCE  
PO BOX 71504  
SAN JUAN, PR 00936

DEPARTAMENTO DE HACIENDA  
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SAN JUAN, PR 00902-4140

NCO FINANCIAL SYSTEMS OF  
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PO BOX 192478  
HATO REY, PR 00918

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